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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 13 August 1999, at 10 a.m.

Chairman: Mr. HATANO

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(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT;

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS;

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS (continued)

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The meeting was called to order at 10.05 a.m.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT;

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS;

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS

(agenda item 4) (continued) (E/CN.4/Sub.2/1999/10-12, 30 and 33; E/CN.4/Sub.2/1999/NGO/5, 8, 14 and 25; E/CN.4/Sub.2/1998/6; E/CN.4/1999/50)

1. Ms. MUNSHI (European Union of Public Relations), noting that only an enlightened mind could effectively contribute to the process of development and that the creation of such a mind was primarily a function of educational environment, said that her own country, Nepal, had for some decades been sending its young people to India for higher education because that country provided the requisite democratic environment that was the essence of true education.

2. In Pakistan, however, democratic norms were being nullified by an education system that had permitted the mushrooming of religious schools, or madrassas, whose curriculum included arms training. In the madrassas, children were fed only religious dogma; democratic principles were derided and modernization and scientific and technological endeavour were deemed the enemy. The Taliban were the most visible manifestation of what such an education could do to a country, but there was a clearly established connection between the religious schools in Pakistan and terrorist groups like Harkat-ul-Ansar.

3. Her organization was afraid that similar developments might take place in Nepal, as a result of attempts to export that ideology to other countries through funds to establish denominational schools which imparted a medieval curriculum. Nepal required resources for development, not resources to obscure the minds of its young people. The human rights community should examine the impact of fundamentalism and extremism on the development process so as to enable other countries in the neighbourhood of Pakistan to adopt pre-emptive measures and spare themselves the onslaught of violence and a derailment of the development process.

4. Mr. QUIGLEY (Franciscans International), speaking also on behalf of Dominicans for Justice and Peace, said that the accidental advantages and disadvantages of skin colour, gender and location exerted a tremendous force in determining a person's possibilities of developing and realizing full dignity as a human being. Racial and gender prejudices were among the most serious obstacles to equal opportunity in the realization of economic, social

and cultural rights, but there were also certain international structured obstacles that actively and passively blocked people's opportunities to exercise the right to development.

5. His organization was concerned that so many Governments turned a blind eye to the elimination by abortion and the abandonment of girl children, as well as to the lack of opportunities for their education; the human race could not develop properly when half its population was systematically neglected and denied an equal opportunity for personal growth. His organization was also concerned about the unsustainable burden of foreign debt repayments which frequently forced poor countries to reduce health and education spending and to cut employment in the civil service, thereby weakening national infrastructures and economies, deterring foreign investment and encouraging the flight of capital.

6. While welcoming the initial, albeit minimal, steps of the 1990 Cologne Debt Initiative, his organization was somewhat concerned that it seemed to give even more power to the International Monetary Fund (IMF) in that it called for poverty reduction measures to be regulated into IMF macroeconomic conditions although, in the past, the conditions of the IMF's structural adjustment programmes had been among the most significant institutional reasons for much suffering that had resulted in the neglect or violation of many human rights.

7. His organization was also concerned about the unsupervised activities of many transnational corporations which had serious repercussions for the rights of people to land, homes, health and development. It was particularly concerned that there had been very little discussion in the Working Group on transnational corporations about the worldwide increase in the contracting of paramilitary services to secure, clear and guard land purchased by or leased to transnational corporations. He gave the example of large tracts of land in Colombia, which had previously belonged to internally displaced persons and which were being patrolled and policed by security forces taking their orders from petroleum, mining and communications companies that had their headquarters in countries of the North.

8. The prime responsibility of the State for protecting the human rights of its citizens was seriously undermined by the practical necessity for countries to host transnational companies which were quite capable of moving elsewhere. For financial reasons, they turned a blind eye to any violence that cleared the way for such companies. The international collusion which allowed them to function with impunity concealed human rights violations behind a screen of publicity and the sponsorship of sporting events. States must work together to develop an enforceable international code of conduct to deal with transnational corporations, and his organization urged the Sub-Commission and its sessional working group to investigate and report upon the connections between transnational corporations, privatized security services and paramilitary groups, and their impact on the right to development.

9. Mr. MICHEL (December 12th Movement International Secretariat) said that the black people of the United States of America were still underdeveloped in every respect. Nearly one third of black families in the United States were

living below the poverty level, and unemployment levels for blacks were twice those for whites. The question of the development of blacks was clearly not on the agenda of the United States Government. More than 200 million Africans in the Americas were suffering from deliberately planned underdevelopment.

10. Africa, the world's poorest continent, was entering the twenty-first century with its right to development blocked by the structural adjustment policies imposed upon it by the IMF and World Bank. The nations of Africa would soon have to join the World Trade Organization (WTO) and, because Africa imported more food than it exported, would be forced to cut agricultural subsidies. That would become a matter of life and death for the 40 per cent of Africans already suffering from hunger or malnutrition.

11. His organization requested that the Sub-Commission continue its studies on the crippling effects of free trade and structural adjustment programmes on underdeveloped nations, and examine the idea of cancelling the foreign debt of those nations. It also called on the Sub-Commission to undertake a study on the damaging effects of the transatlantic slave trade and the question of compensation for Africa and the African diaspora which had been victims of that crime against humanity.

12. Ms. PROTVEZ (International Commission of Jurists), speaking also on behalf of Habitat International Coalition, said, with regard to the need to adopt the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, that a system for the examination of individual and group cases offered the only real hope of moving towards the development of a significant body of jurisprudence, which was absolutely indispensable if economic, social and cultural rights were to receive equal treatment with civil and political rights.

13. The adoption of the optional protocol would not only strengthen the recognition of economic, social and cultural rights as fully-fledged rights but would also permit their more thorough understanding and more precise definition through the examination of specific cases. It would encourage States to adopt legislative and policy measures to comply with obligations arising from the Covenant and would promote a better understanding of the Covenant and of the entire United Nations human rights protection system.

14. Adoption of the optional protocol would provide an opportunity to tackle the frequently raised but erroneous argument of the non-justiciability of economic, social and cultural rights and the inability of States to implement them without adequate resources. In its current text, the draft optional protocol recognized the possibility of submitting group complaints, and that would be very useful for communities such as indigenous and tribal peoples and minorities and for rights such as the right to food and the right to housing which had an important collective component.

15. With regard to the impact of economic globalization and international trade, investment and finance policy and practice on human rights, the optional protocol would help to clarify the effect of conflicting obligations imposed upon States through, on the one hand, international human rights treaties and, on the other hand, international economic agreements. The need

to protect vulnerable communities adversely affected by the impact of globalization and the necessity of acknowledging that that was a State obligation could also be clarified through the optional protocol.

16. The responsibility of transnational corporations for their violations of economic, social and cultural rights was also an important issue that ought to be tackled; through a more detailed examination of State responsibility, a system of individual and group complaints would provide an opportunity to clarify the nature of third-party responsibility in violations of economic, social and cultural rights.

17. The draft optional protocol had not so far received the support it deserved, and only a handful of States had submitted comments upon it in the past two years. Her organization hoped that the High Commissioner for Human Rights would call for the formation of a working group to undertake further consideration of the draft optional protocol. It urged the Sub-Commission to contribute to the formulation of strategies to support a global campaign to strengthen the protection of economic, social and cultural rights, in particular through the adoption of the draft optional protocol.

18. Ms. CASSAM (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that sub-Saharan Africa was the only region in the world in which the number of children not receiving schooling was actually on the increase. Since 1980, expenditure on education in sub-Saharan Africa had fallen by 60 per cent. Children were aware of the value of education, and, many of them, of their right to it, but the most basic of all human rights - the right to life - was not yet being respected by the adults around them. Hence the importance of human rights education, which alone could overcome ignorance, selfishness and violence, and foster a perception of the human person, possessed of a particular identity, and linked by bonds of shared humanity to others, respect for whose rights was a duty.

19. Human rights education must, therefore, extend beyond the school system and permeate the social circles - within the family, on the streets, in the market place and on the sports field - in which young people moved. In pursuing that objective, UNESCO could do little without its partners at all levels. Under the Plan of Action for the United Nations Decade for Human Rights Education (1995-2004), UNESCO had been called upon to play a leading role in the preparation, implementation and evaluation of many projects, and its "natural" partners were the organizations of the United Nations system, including the Office of the High Commissioner for Human Rights.

20. Recognizing that such activities are the concern of the United Nations system as a whole, the General Assembly had decided to proclaim the year 2000 the International Year for the Culture of Peace, and to proclaim an International Decade for a Culture of Peace and Non-Violence for the Children of the World.

21. Mrs. DAES said she wished to congratulate her colleagues on their working papers and on the introductions thereto. Mr. Guissé had undertaken a study on the right of access to drinking water and sanitation services which would analyse all aspects of that question. As for the crime of forced evictions, she believed that the Sub-Commission would be greatly assisted by

the preparation of a Secretariat note, accompanied by the report of the Seminar on the subject held at Geneva in mid-1997, and other relevant documents.

22. On the issue of integrating human rights concerns in the discussion of trade, investment and finance policy, she welcomed the comprehensive working paper (E/CN.4/Sub.2/1999/11) prepared by Mr. Oloka-Onyango and Ms. Udagama and agreed with many of its conclusions and recommendations. In particular, she supported the recommendation that a preliminary report on that difficult and complex issue should be prepared by the two experts and submitted to the Sub-Commission at its fifty-second session.

23. Mr. Eide's updated study on the right to adequate food (E/CN.4/Sub.2/1999/12) was a valuable contribution to the recognition and protection of that right. She shared his views on the globalization of the right to food and fully supported the conclusions and recommendations of the study, in particular the recommendation that every State should develop a national strategy, the first step in which should be to survey the situation of different groups and regions within the country. She strongly supported the action he proposed, including the preparation by the High Commissioner for Human Rights of a coherent United Nations strategy on freedom from hunger, and the holding of broad consultations with international and trade organizations and institutions with a view to establishing the joint and separate responsibilities of States to ensure access to food, particularly in situations of armed conflict and natural disasters. The Sub-Commission should recommend to the Commission that Mr. Eide's study be published and widely disseminated.

24. Mr. Mehedi's comprehensive working paper on the content of the right to education (E/CN.4/Sub.2/1998/10) quite properly urged that it should be considered as both a civil and political right and an economic, social and cultural right. The United Nations Decade for Human Rights Education, whose purposes had been defined by the General Assembly as training, dissemination and information efforts aimed at building a universal culture of human rights, was directed to the full development of the human personality and the promotion of understanding, and equality among nations and between racial, ethnic, religious and linguistic groups.

25. Mr. HUSSAIN (Observer for Iraq) said that the imposition of sanctions on developing countries was inconsistent with the aspirations of the international community. Those imposed on Iraq on the initiative of the United States of America and the United Kingdom had transformed it from a strong, prosperous country into one deprived of adequate food, medicine and medical care. They had resulted in the death of more than one and a half million people, most of them children, women and the elderly, and had lowered Iraq's position in the table of human development indicators from fifty-fourth in 1990 to one hundred and ninth in 1995, wiping out in an unbelievably short time the results achieved by years of exhausting efforts.

26. There was evidence that such negative effects had not gone unnoticed in United Nations circles: they had been referred to by the Secretary-General in his "Agenda for Peace" report in 1995. The Committee on Economic, Social and Cultural Rights had recommended the establishment of a mechanism to monitor

the effects of sanctions and develop a set of agreed principles and procedures based on respect for human rights. The failure of the Security Council resolutions regarding the "oil-for-food-and-medicine" agreement to meet the minimum needs of the people had led to structural imbalances that were difficult to reverse. He called upon the Sub-Commission to urge the Security Council to honour its obligations to protect the human rights of Iraqi civilians and take steps to avoid the embargo turning into genocide.

27. Mr. EL TALIB (Observer for Sudan) said that article 28 of the Sudanese Constitution recognized the inviolability of earnings and property, which were safeguarded by a number of executive bodies under the Ministry of Social Planning. The Ministry had also launched major initiatives for alleviating poverty by the provision of small credits to small enterprises run by family members. A Five-Year Plan had also been undertaken to implement the recommendations of the Beijing Declaration and Plan of Action, and, in 1998, a series of training programmes on handicraft industries with an initial participation of 128 women from the poorest sectors of society had been launched.

28. United Nations agencies had commended the efforts of his Government to carry out its undertakings under the International Covenant on Economic, Social and Cultural Rights, and its cooperation had been welcomed by the General Assembly. Economic privatization and liberalization programmes were being implemented and, in the period between 1989 and 1998, highways had been built connecting the different regions of the country, and an ambitious economic project on petroleum development had been inaugurated which would soon begin to generate revenues to be devoted to social welfare. The Government had set itself the target of eradicating illiteracy by the year 2005, and its educational programmes had, among other achievements, resulted in a spectacular increase in the number of university students.

29. Unfortunately, the economic sanctions imposed by the United States of America, exacerbated by the bombardment of a pharmaceutical plant in Khartoum, were serious impediments to economic development and were in clear contradiction to the resolutions of the Commission on Human Rights condemning unilateral coercive actions. Another serious obstacle to progress was the armed conflict in the south, and his Government associated itself with the Secretary-General's appeal to the rebel movement there to accept the recently declared ceasefire.

30. Mr. MUSHIRWAN (Observer for Malaysia), speaking also on behalf of Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, Indonesia, Iran, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka and Sudan, the sponsors of Commission on Human Rights resolution 1999/59 on globalization and its impact on human rights, said that globalization had not only economic, but also social, political, environmental, cultural and legal ramifications. While its impact on human rights was unquestioned, there was disagreement regarding the precise nature of that impact, and there was a clear need for an in-depth and comprehensive study by some United Nations human rights body, which the resolution in question had sought to initiate.

31. As Mr. Oloka-Onyango rightly pointed out in his working paper (E/CN.4/Sub.2/1998/8), much of what was said about globalization did not take

into account the relationships of power and domination, which were essential to a proper understanding of the phenomenon. During the negotiations on the resolution in the Commission, some people had argued that it was merely an attempt to divert attention from the failings of States, particularly developing ones, to promote and protect the human rights of their citizens. Paragraph 1 of the resolution did, in fact, unequivocally recognize the primary duty of States in that regard, but the importance of an enabling international economic order making it feasible for States to discharge their duty had also to be recognized.

32. In carrying out its study of the topic, the Sub-Commission would have to take into account not only the relevant United Nations reports but also the many studies available outside the United Nations framework. Among the questions which deserved special attention were the responsibility of other entities to assist States constrained in their ability to realize the human rights of their citizens as a result of globalization, and the possibility of a threat to the well-being and legitimacy of the international human rights system arising from globalization in situations where there was inequality of power relations between States or between States and individuals.

33. Mr. SABHARWAL (Observer for India) said that, given the indivisible and interdependent nature of human rights, the debate on the relative importance of civil and political rights, on the one hand, and economic, social and cultural rights, on the other, was futile and merely distracted attention from the practicalities of realizing the right to development. Democracy alone could ensure that people enjoyed the right to participate in the development process and the existence of poverty could not be invoked to justify the denial of political and civil rights. Vanquishing poverty and promoting development must be given priority not only for their own sake but also for the sake of promoting human rights. The so-called rights-based approach to development, which led to the imposition of conditionalities on development aid or even development itself, added to the burden that developing countries had to bear. It should be replaced by a "developmental approach".

34. There was an intrinsic relationship between the inequitable nature of the international economy and the inability of millions of people to exercise their right to development. During the fifty-fifth session of the Commission on Human Rights, the independent expert on extreme poverty, the independent expert on structural adjustment policies and the Special Rapporteur on education had recommended, inter alia, the following measures: a reversal of the declining trend in official development assistance (ODA); the transfer of technology to developing countries on reasonable terms; a lowering of protectionist trade barriers; the restructuring of international financial, monetary and trading systems; and giving developing countries a greater voice in global macroeconomic decision-making. He urged the Sub-Commission to focus its attention on the need for international cooperation along those lines.

35. He hoped that the process of reporting on action taken in the context of the United Nations Decade for the Elimination of Poverty (E/CN.4/Sub.2/1999/30) would be continued and would cover action by all relevant bodies, such as the United Nations Development Programme (UNDP), to promote the right to development.

36. He added his voice to the call by the observer for Malaysia for a study by the Sub-Commission on globalization and its impact on the full enjoyment of all human rights, in accordance with Commission resolution 1999/59.

37. Mr. JOINET said that his reservations concerning the preparation of a report on the right to education, notably because of the risk of overlapping with work under way in other bodies, had been dispelled by Mr. Mehedi's latest working paper on the subject (E/CN.4/Sub.2/1999/10). In particular, he appreciated Mr. Mehedi's reflections on the correlation between the complementary aspects of education as an individual and a collective right.

38. As an individual right, education served as an antidote to indoctrination. In that connection, Mr. Mehedi stressed the correlation between personality development and individual freedom, the goal of education being to develop people's capacity to make free choices. Another important point was that the right to education, as a social right, entailed a "positive obligation" for States to establish an education system that was free in both senses of the word and geared to the promotion of individual development at the local level and throughout the community. He looked forward to receiving Mr. Mehedi's final report at the Sub-Commission's next session.

39. Mr. RUIZ y AVILA (Observer for Mexico) said that 3,000 million people - about half the human race - were attempting to survive on less than US$ 2 a day; over 130 million children were not attending school; 1,500 million people had no access to drinking water and over 800 million people had not enough to eat. Moreover, new forms of racism, discrimination and intolerance of cultural differences were emerging.

40. At the same time, a concerted effort on the part of Governments and organized civil society would be sufficient to deal with poverty and the results of the population explosion, check the degradation of the environment and eliminate racial discrimination. The organizations of the United Nations system and the Bretton Woods institutions should work together to foster conditions conducive to optimum public policies. As Mr. Eide had put it, the agents of institutional globalization must proceed in tandem with the agents of universalization of human rights.

41. Education played a vital role in promoting social progress. His country's General Department of Indigenous Education had developed a bilingual and bicultural education system for the indigenous people. The illiteracy ratio tended to be higher, however, in small isolated indigenous communities where the establishment of basic facilities was hampered by material conditions. Nevertheless, indigenous pupils at all levels of education had access to free textbooks in their own languages. His authorities were determined to develop a culture in which all expressions of cultural and racial discrimination would be outlawed. The multi-ethnic and multicultural character of Mexican society was recognized in the Constitution.

42. The Programme to Combat Poverty (1995-2000) was based on a social development strategy to ensure universal access to education, health, vocational training and social security, and a strategy to eradicate extreme poverty through the promotion of productive activities, while conserving the

environment. The country's gross national product (GNP) had risen by 4.5 per cent in 1998 and a steady pace of job creation had been maintained. The resources devoted to social development were equivalent to 8.9 per cent of gross domestic product (GDP) and were distributed in large measure through a decentralized mechanism. The Programme for Education, Health and Food would benefit 2.3 million families in 1999 and create over 600,000 jobs. The authorities were giving high priority to the principle of equitable development. But combating structural poverty was no easy task: it would take time and resources as well as a determined and concerted effort by civil society and the Government.

43. Mr. FERRER RODRÍGUEZ (Observer for Cuba) said that Mr. Eide's updated study on the right to food (E/CN.4/Sub.2/1999/12) contained a number of useful recommendations to the High Commissioner for Human Rights designed to develop the role of her Office and of the United Nations in promoting that right, as well as recommendations to States regarding international cooperation, debt relief, the need to guard against the possible negative impact of transnational corporations and respect for other countries' right to food, including the inadmissibility of using food as a weapon.

44. The World Conference on Human Rights and the Commission on Human Rights had enjoined States to abstain from unilateral action that hampered trade among States and prevented people from exercising their right to an adequate standard of living, including access to food, health care, housing and social services. The United States had, however, imposed unilateral economic sanctions on dozens of countries, accounting for 42 per cent of the world population. For almost 40 years, it had maintained an unlawful economic, commercial and financial embargo on Cuba, although the General Assembly had been calling for its termination for a number of years. Effective action must be taken to end such unilateral action which was a systematic and flagrant violation of the human rights of entire peoples.

45. He welcomed the working paper prepared by Mr. Oloka-Onyango and Ms. Udagama (E/CN.4/Sub.2/1999/11) on human rights as the primary objective of trade, investment and financial policy. The phenomenon of globalization had repercussions on many aspects of human life. If the international financial institutions had themselves begun recently to study the social and human rights impact of their policies, it was only logical that social and human rights bodies should follow suit.

46. Despite the myth that globalization tended to have a similar impact on all individuals and countries, the perceptible reality was that discrepancies in terms of exclusion were becoming more pronounced within and between countries, the developing countries being the worst hit. Those who sought to maximize profits were impervious to such concerns as development, cooperation and protection of the environment. Financial institutions that advocated indiscriminate privatization and reductions in public spending were preventing States from fulfilling their responsibility to promote development and to guarantee the right to education, health and employment.

47. A small number of transnational companies had become more powerful than the majority of developing countries. The debt burden, the downward trend in

commodity prices and the rise in speculative investment all contributed to the current international economic disorder. The United Nations human rights mechanisms, including the Sub-Commission, had a duty to examine the issues involved and to propose solutions.

48. Mr. CHOWDHURY (Observer for Bangladesh) said that the interdependence of democracy, development and human rights had become well recognized. One category of rights was not to be downplayed at the expense of another. Although the world had the combined resources to eradicate abject poverty, it lacked the collective will to do so. According to the 1999 Human Development Report, the assets of the world's three wealthiest persons amounted to more than the combined GNP of all the least developed countries. Billions of dollars were spent each year on weapons of mass destruction while millions of people were allowed to die of hunger and lack of medical care. He suggested that the Sub-Commission should study the topic of "disarmament, development and the enjoyment of human rights".

49. Effective implementation of the Declaration on the Right to Development called for a balance between the "basic needs strategy" and the "rights-based approach". The satisfaction of basic needs was an immediate challenge in the fight against poverty. Access to capital and other productive forces was important in the longer term. Mobilizing social capital called for institutional changes conducive to the empowerment of the poor. The advancement of women and marginalized groups was both a moral and an economic imperative.

50. An enabling international economic environment was an essential buttress for national action to implement the right to development. Urgent safeguards were needed to ensure that the benefits of globalization were equitably shared. In that connection, he associated himself with the statement by the observer for Malaysia. Human development and social protection were essential ingredients of the policies and practices of global governance. That would require a new development consensus and an appreciation of the link between a developed South and global peace and stability.

51. He welcomed the working paper by Mr. Oloka-Onyango and Ms. Udagama (E/CN.4/Sub.2/1999/12), which drew attention to the human rights obligations of multinational institutions and emphasized the need for an in-depth study of the relationship between trade, investment and finance policies and practices and human rights.

52. Bangladesh's national development strategy focused on community participation and empowerment of the marginalized, particularly women. Its micro-credit initiatives had been particularly successful and widely emulated.

53. His delegation was pleased that the General Assembly had recommended, in its resolution 53/155, that consideration be given to the drafting of a convention on the right to development and looked forward to constructive discussions of the matter in the working group on the right to development. It was also encouraged by the high priority given to the right to development by the High Commissioner for Human Rights. It was a right that should be mainstreamed in all relevant United Nations programmes.

54. Mr. HASSAN (Observer for Pakistan) said that the working paper by Mr. Oloka-Onyango and Ms. Udagama (E/CN.4/Sub.2/1999/11) provided many useful insights into the relationship between human rights and trade, investment and finance issues. The starting-point for any such study should be the contribution of policy and practice in those areas to the realization of the right to development. It would be useful to discover to what extent traditional policy prescriptions of liberalization, privatization and deregulation were contributing to broader development goals. The World Bank was itself reviewing their effect and the United Nations Conference on Trade and Development (UNCTAD) was considering the need to formulate development strategies that incorporated elements other than those prescriptions.

55. Recent experience indicated that developing countries were unable to regulate the pace of liberalization in accordance with their development levels. Many of them had been compelled to open their markets, even in the absence of adequate regulatory and institutional mechanisms. The resulting economic disruption had adversely affected the social and economic conditions of millions of people.

56. There was also increasing evidence that existing trade and financial regimes were not resulting in a "mutuality of benefits" for developed and developing countries. For example, the expected liberalization of trade in textiles and agriculture, areas in which many developing countries had a comparative advantage, had not materialized and the major trading nations continued to resort to protectionist measures. On the other hand, the developing countries had opened up their markets in areas of greater interest to the industrialized countries.

57. The effect of the decision-making processes of major international institutions on the formulation of equitable trade and financial regimes should be assessed. Weighted voting arrangements and other mechanisms based on power rather than equity should be analysed and rectified. While developed countries were supported by institutions such as the Organization for Economic Cooperation and Development (OECD), the developing countries had no such resources to rely on when engaging in complex trade and financial negotiations. The resulting regimes were consequently skewed in favour of the developed countries.

58. The duty of private enterprises, particularly multinational corporations, to contribute to the development goals of host countries should be paid serious attention. The 1999 Human Development Report suggested that concepts such as a code of conduct for transnational corporations and the OECD Guidelines for Multinational Enterprises needed to be reviewed and strengthened.

59. Protectionism and economic coercion in the guise of the promotion of human rights and the use of human rights to restrict the access of developing countries to markets and sources of capital must be unequivocally rejected.

60. Mr. MEHEDI thanked his colleagues for their important contributions to the discussion on the right to education. They had emphasized the need to educate young people in democracy and human rights; to eliminate educational inequalities; and to establish educational programmes stressing the

indivisibility of all human rights. They had also stated that the problem of rural women and the impact of armed conflicts on the right to education needed to be addressed in greater depth. He would take careful account of all those comments and criticisms in preparing his final report for submission to the Sub-Commission at its fifty-second session.

61. Mr. OLOKA-ONYANGO thanked all the participants for their useful comments on the working paper submitted by himself and Ms. Udagama (E/CN.4/Sub.2/1999/11), and on his working paper on globalization (E/CN.4/Sub.2/1999/8). He welcomed the almost unanimous endorsement of the need to continue the study of globalization. The vision and indeed the phenomenon of globalization were contested, and it was thus important to continue the process of coming fully to grips with its various dimensions and its varied impacts, both negative and positive.

62. Globalization demonstrated that the various categories of human rights could not be considered in isolation: if a holistic approach was adopted, the solutions eventually found would be all the more enduring. Of paramount importance was the role of concerted and collective action by the institutions created to address global problems, such as the WTO, the IMF and the World Bank; by States and Governments, whether in the North or the South; and by all individuals who stood in danger of being eclipsed by the development of Frankenstein-like regimes of trade, finance and investment.

63. Mr. EIDE said that the international follow-up to the World Food Summit had placed the right to food at the forefront of the human rights agenda. It was encouraging to note that more and more NGOs were taking seriously the right to adequate food. With the completion of his updated study (E/CN.4/Sub.2/1999/12), his work on the subject on behalf of the Sub-Commission was finished. However, he would shortly be circulating a draft resolution on the follow-up to the recommendations contained in his study and the process of eliminating hunger would, of course, continue in other forums.

64. He strongly endorsed the recommendation by the International Commission of Jurists concerning the desirability of adopting the draft optional protocol allowing for communications to be submitted regarding economic, social and cultural rights. Some misgivings had been expressed in that regard but he was confident that a closer analysis of the issues would dispel many of those doubts, most of which were the result of misunderstandings.

65. He congratulated Mr. Oloka-Onyango and Ms. Udagama on their ground-breaking joint study. In the interests of avoiding duplication, however, he proposed that their next report should place more emphasis on the impact of the main actors in the globalization process, namely, the IMF, World Bank and the WTO, on respect for human rights. In conclusion, he echoed the proposals made by other members that, in his final report, Mr. Mehedi should pay particular attention to the right to human rights education, the obstacles thereto, and ways of surmounting those obstacles.

66. Mr. H'JSSAIN (Observer for Iraq), in a statement equivalent to the right of reply, said it was regrettable that paragraph 90 of Mr. Eide's otherwise commendable study on the right to adequate food (E/CN.4/Sub.2/1999/12) did not

properly reflect the situation in Iraq. The report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1998/67) referred to therein was not an objective treatment of the issues. The Food and Agriculture Organization of the United Nations (FAO) had paid tribute to the Iraqi Government's efforts to provide food and medicine in the period prior to the signing of the "oil-for-food" agreement.

67. Moreover, it must be borne in mind that, since the signing of that agreement, the United States of America and the United Kingdom had attempted to impede the implementation of contracts for the purchase of food and medicine. Iraqi oil-producing facilities had been repeatedly bombed, thus affecting Iraq's capacity to feed its citizens; and attacks had been unleashed on desalination plants and on unharvested crops. Under the pretext of implementing United Nations resolutions, the United States of America and the United Kingdom were pursuing a policy of genocide against the Iraqi people. All those facts should have been fully reflected in paragraph 90 of Mr. Eide's study.

68. Mr. EIDE said that paragraph 90 of his study reflected the view of the Special Rapporteur of the Commission on the question. That view was qualified in paragraph 91 of his study, in which he pointed out that not only the Government but also the international community nad the responsibility to ensure that sanctions did not cause serious violations of human rights, in particular the rights to food and to be free from hunger; that the responsibility of the international community remained even when the target Government did not cooperate or when it discriminated between groups in their access to food; and that those who had initiated the sanctions remained responsible for taking corrective measures to ensure access to food.

THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN:

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD;

(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT

(agenda item 5) (E/CN.4/Sub.2/1999/13 and 14; E/CN.4/Sub.2/1999/NGO/5)

69. Ms. WARZAZI (Special Rapporteur on traditional practices affecting the health of women and the girl child), introducing her third report (E/CN.4/Sub.2/1999/14), said that, two months previously, she had had to choose between, on the one hand, not submitting any report at all to the Sub-Commission at its fifty-first session, because of the dearth of replies from Governments concerning implementation of the programme of action on the elimination of traditional practices affecting the health of women and the girl child; or else preparing a report setting out the background to the question and the national and international initiatives already taken to eradicate those practices, particularly female genital mutilation. That historical overview and analysis of the progress made since 1982 would enable the Sub-Commission to assess the achievements and should lead to suggestions and recommendations on how to deal with the obstacles encountered, including the silence of the States concerned.

70. While there was reason to welcome the action taken in countries where female genital mutilation was practised, the action by specialized agencies that had resulted in increased awareness among the populations concerned of the harmful effects of that practice and the commitments by a number of Governments, civil society, the media and religious leaders, the situation concerning other traditional practices remained shrouded in silence.

71. Yet female genital mutilation was not the only harmful traditional practice, however. There were also the adverse effects associated with the problem of dowries in certain parts of the world, crimes of honour, the rape of women and young girls, often by members of the family, the infanticide of girl children, suttee, devadasi, the transfer of widows to the deceased husband's brother, and a number of other practices that degraded women because they were regarded as the property of men. Their only right was to remain silent and endure their fate.

72. The lack of information from the Governments concerned ought to have been offset by the information submitted by national NGOS and women's associations. However, hardly any such information had been submitted. Whatever the reason for that silence, the situation needed to be rectified.

73. Greater efforts must be made to raise awareness and secure active involvement at the international level. To that end, three regional seminars should be held on the question, in order to analyse the progress made and the obstacles to be overcome. Of the seminars, one should be held in Asia, a second in Africa, and the third in Europe, where many States faced serious problems resulting from the presence on their territories of large numbers of migrants from countries where female genital mutilation and other harmful practices were widespread.

74. In her report she had expressed great concern at the way in which that question was dealt with in some receiving countries. While the practice must of course be eradicated, there was a right way and a wrong way of going about it. Condemnation must be balanced by positive dialogue and enhancement of awareness among the people concerned. Condemnation of a practice and the measures taken to combat it must never be an expression of contempt for the culture of others. It was thus crucially important to hold a seminar in Europe in order to facilitate dialogue between government officials, representatives of the communities concerned and NGOS from the receiving and sending countries. Only through goodwill and mutual understanding could such traditional practices be eliminated without ill feeling and in a spirit of respect for other people's cultures.

The meeting rose at 12.55 p.m.